



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 6, 2020

Via ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 14C
New York, New York 10007

Re: *United States v. Joshua Adam Schulte*, S2 17 Cr. 548 (PAC)

Dear Judge Crotty:

The Government respectfully submits this letter regarding Government Exhibit 5001, the Central Intelligence Agency (“CIA”)’s WikiLeaks Task Force Report (the “Report”). The Government respectfully submits that there is no issue the Court needs to rule on at this time. Defense counsel had asked the Government for a copy of the Report with additional redactions to be introduced into evidence, and the Government simply wanted to alert defense counsel and the Court that, to the extent the defendant shows the Report to witnesses or otherwise selectively cross-examines from the unredacted portions of the Report, the Government would likely ask those witnesses about other unredacted portions of the Report, in order to ensure that the jury has an accurate understanding of what the unredacted portions reflect. “Redirect may of course be used to rebut false impressions arising from cross-examination, and the scope of such redirect is within the trial court’s broad discretion.” *United States v. Bilzerian*, 926 F.2d 1285, 1296 (2d Cir. 1991). The Government does not intend to elicit testimony from any witness about any portion of the Report that has been redacted. In addition, to the extent any of the Government’s witnesses have firsthand knowledge of the Report, the Government has already produced that material to the defense, such as one witness’s redline comments on an early draft of the Report. To the extent the Court believes it would be appropriate to avoid any confusion by giving a suitable limiting instruction in connection with the parties’ use of the Report, the Government would not object.

Respectfully submitted,

GEOFFREY S. BERMAN
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Cc: Defense Counsel (via ECF)